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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Nana K. AYISI ) Examiner: U. Winkler  
Serial No.: 09/978,593 ) Art Unit: 1648  
Filed: October 18, 2001 )  
For: ANTIVIRAL AND ANTIBACTERIAL )  
ACTIVITIES OF EXTRACTS FROM )  
EIGHT PLANTS )

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RESPONSE TO OFFICE ACTION OF FEBRUARY 4, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

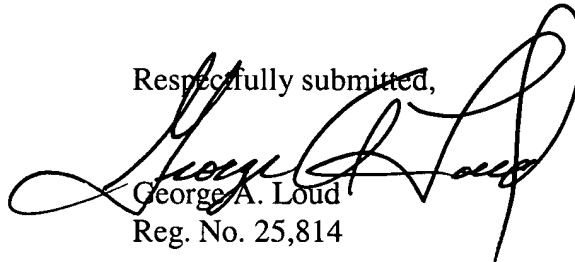
A petition for a five (5) month extension of time has today been filed as a separate paper and a copy is attached hereto.

Responsive to the requirement for election under 35 USC 121, applicant, by her undersigned attorney, hereby elects Group I (claims 19-22) which cover the use of an extract from *Ocimum gratissimum* "to inhibit cytopathic effects of the virus" (not "determining the cytopathic effect," the examiner's characterization). The election of Group I is without traverse.

As further required by the examiner, applicant elects Group B (HIV-1 and HIV-2) as the virus. Within elected Group I, claims 19-21 read on the elected virus group "B". However, this latter requirement for election of a virus group is respectfully traversed. The basis for traversal

of the requirement for election of a virus group is two-fold. Firstly, the elected group of claims (claims 19-22) includes three allowable claims (19-21) which are generic to all of the examiner's virus groups "A" through "F". Secondly, applicant respectfully submits that a search directed to a method comprising contacting a virus-infected cell with an extract of *Ocimum gratissimum* to inhibit cytopathic effects of the virus should identify relevant art, if any, against all virus infections, inclusive of those set forth in Groups A-F of the examiner's requirement. Logically, the search would be directed, in the first instance, to *Ocimum gratissimum*, not a virus. Accordingly, applicant submits that search and examination of the entirety of Groups A-F within Group I can be made by the examiner without serious burden. Under these circumstances, MPEP §803 directs the examiner to examine such subgroups together, without restriction. Accordingly, it is respectfully requested that the requirement for election of species be withdrawn.

Respectfully submitted,

  
George A. Loud  
Reg. No. 25,814

Dated: August 4, 2003

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